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Charles Sands/DC/USEPA/US

07/19/2004 02:43 PM

To Gwendolyn Massenburg/R5/USEPA/US@EPA

Afif Marouf/R5/USEPA/US@EPA, Larry
Johnson/R5/USEPA/US@EPA, Charles

cc Openchowski/DC/USEPA/US@EPA, David
Lopez/DC/USEPA/US@EPA, Ernie
Watkins/DC/USEPA/US@EPA

bcc

Subject Re: Fw: Conference call

EPA Region 5 Records Ctr.



216839

I accepted your new time and new invitation, 3 pm tomorrow.
Here are the completed comments -



himco.R5.wpd

Our OGC remedy attorney just returned, Charles Openchowski. If after you read the comments (I expanded/modified the ARARs comments) you think we need him- I can try to check his availability.

Chuck Sands
Office of Superfund Remediation and Technology Innovation
(703) 603-8857
Gwendolyn Massenburg

Gwendolyn Massenburg

07/19/2004 10:16 AM

To: Charles Sands/DC/USEPA/US@EPA

cc: Larry Johnson/R5/USEPA/US@EPA, Afif Marouf/R5/USEPA/US@EPA

Subject: Fw: Conference call

Good morning Chuck.

The site attorney for Himco Dump, Larry Johnson wanted to know if we could reschedule the 11:00 AM EDT conference call for Himco Dump to 3:00 PM EDT? This time will work for me, if it does not work for you would you suggest an alternate time. If this time does work for you we will call you tomorrow @3:00 PM EDT.

Thanks.

Gwendolyn Massenburg
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----- Forwarded by Gwendolyn Massenburg/R5/USEPA/US on 07/19/2004 09:11 AM -----

Larry Johnson/R5/USEPA/US

To

07/19/2004 09:09 AM

Subject: Conference call

Hi Gwen,

Would it be possible to reschedule tomorrow's call to the afternoon-maybe around 2:00? lj

Himco Dump Draft Record of Decision a(ROD) Comments

Bottom of page 1 - CDA soils - Should say you are really presenting contingencies to meet the RAO for these materials from excavation to cover with vegetative cap and contingencies in disposal options (site and type).

Page 4 - really have contingencies for treatment of LF gas also - passive, active treatment, thermal oxidation.

Page 4 - future LF use, #8 - There is a push to give as much info about ICs as early in the process, who is implementing, what is the enforcement, how often/who is reviewing ICs. For LF future land use, looks like it will be determined using input from redevelopment group using grant. Can we say who will review land use proposal, and implement/enforce ICs which are decided. (County using zoning process/master plan)

Page 5, GW #2 - Think extra word "not" changes meaning.

Page 6, Section 1.5 - GW contamination, without DNAPL present, is not a principal threat. You removed the drums, so that was an action taken on principal threats. I would delete the first phrase of the sentence about principal threats, "However, ...was not found to be practicable,..." The second part of the sentence about toxicity, mobility and treatment is true.

Page 8 - 1. Introduction, 2nd paragraph, last sentence - NCP citation in guidance is 40CFR 435 (e)(2)(ii). Need to check versus existing citation.

Page 8 - Site location and description - Is this a sole source aquifer - are there deeper aquifers?

Page 14 - Emergent contaminant sampling - good

Page 16, Section 5.0, 5th paragraph - and if, the site does not deteriorate further, ... it is not necessary to construct the 1993 (ROD) Subtitle C Composite cap

Page 19, Section 7 - "2003 ROD Amendment" - 2004?

Page 19-20 - 1st bullet - not cost-effective, but functionally effective since contaminants may be dissolved/leachate still could be generated.

3rd bullet, wouldn't say that because redevelopment not yet determined.

Page 20 Section 7.1, 2nd bullet "Filling" is "filing"

5th bullet - - not sure if "not" is correct -

Page 21 - #4 - missing words "gas collection convert"

#9 - "Implement institutional controls will be placed"

Page 21-22 - The Selected Remedy for the CDA, #2

State the criteria for soil disposal - e.g. in landfill space permitting, at hazardous waste facility if ___ constituents or waste concentrations found, etc. What is the intent for the commercial property, will the RP buy or the Region buy via property acquisition and transfer to state?

Page 22, The Selected Remedy for the CDA -#4 and The Selected Remedy for the residential area east and southeast - #2,

Abandoning private wells...who will perform or verify the wells are abandoned - the State or county? One reference talks about a deed restriction and the other about a restrictive covenant - is this OK? Who will file, who will check to ensure still in place (monitor)?

Page 23, #2 - last sentence - word "not" may be incorrect.

Page 23, #4 - monitoring for "human effective compounds" good!

Page 23, #5 - suggest replace "determine the need for *more or less* remedial measures" with "*additional*".

Page 27, Suggest specifying what GWT system is for \$1.6M; P&T, metals treatment, etc.

Page 28, Residential Well survey \$45K per event? for a total of \$238K.

Page 28, Contingent remedy - Implies no active GW treatment component?

Real estate filing fees included for 39 wells in remedy, are they included for 10 wells in contingency?

Page 30, Overall Protection of HH&E - Suggest adding language such as "Additional information developed since the 1993 ROD indicates CDA area debris/soils require response action to assure protectiveness."

Page 30, Long-Term Effectiveness and Permanence - Alternative 2 language on page 30 compared to chart on Page 32 - Suggest block on page 32 should be empty - does not meet criteria.

Page 30, Reduction of Toxicity, Mobility or Volume of Contaminants through Treatment - Language on page 30 compared to chart on Page 32 - Suggest blocks on page 32 should be empty - does not meet criteria. For ROD amendment could say putting it under cap or consolidated reduces mobility. Though this is not treatment, could try to claim a ½ block - partially meets criteria.

Page 32 Community Acceptance - Change "Alternatives 1 and 2 is" to "are".

Page 32 - Implementability - Should no action be solid block - could be implemented?

Page 34, RCRA - not ARAR - may not be chronologically applicable, but still likely relevant and appropriate due to types of waste and contamination noted in RI

Old cap was ARAR-compliant class "C", need to craft explanation how/why new cap is ARAR-compliant with whatever is determined to be ARAR under ROD amendment, not that RCRA is no-longer ARAR. May be able to say with the addition of materials to fill voids that are able to be built upon, new cap is less permeable on top and thus is RCRA compliant.

If determined in previous ROD that RCRA is already ARAR, need to take comment in Proposed plan why there is a change in ARAR, what the new ARARs are and how the cap is compliant with new ARARs. Suggest conference call with ORC/OGC

The NCP and SARA specify where possible, to return the GW to beneficial reuse. If this is Class II, then, as stated MCLs are ARARs throughout the plume.

The issue is for that small area outside the landfill, the MCLs may be exceeded, and an expectation and time frame for attaining MCLs is not presented. Soil gas contamination appears to extend from the LF. I can't really tell from the figures about GW contamination, and soil gas measurements don't necessarily align with GW contamination. It looks like the soil gas extends to the south and east. An alternate water supply was provided and the receptors are protected, but we need to write this carefully in the ROD. We can try to address this in several ways:

- (1) Say the residual waste is sporadic and some remains, justifying moving the point of compliance out from the bulk of the landfill to incorporate the plume exceeding MCLs (Could work in CDA area - see page 21, #2)
- (2) Make case for MNA with Monitoring/Contingency. Need some lines of evidence. MCL is remediation goal.
- (3) Determine and explore if flexibility in State regulations allowing groundwater exemption zone, and declare a limited such zone.

Page 35 - Executive Orders for wetlands - Are there corresponding State laws? May not be ARARs, may because may not be enforceable and may be TBCs. What are we monitoring wetlands for - degradation?

Page 35 - Post -closure for RCRA may be 30 years, but for CERCLA it is forever - waste in place, monitoring through 5 year review process.

Page 36, recommend deletion of Section 3 - Cost effectiveness. Only required to included Protectiveness and ARARs.

Responsiveness summary -

Comment Section IIIA, page 7 and Comment Section III I, page 35.PP#1 - EPA response missing concentration units

Last paragraph, Comment IIIB, page 15-16 - recommend add qualifying word "on the past EPA risk assessment practices suggest that Bayer's comments" to "on the past EPA risk assessment practices **may** suggest that Bayer's comments".

2nd paragraph EPA response to Comment Section III H, page 31, GW#8 - suggest adding qualifying words

Implications Table, comment 10 issue (c) last sentence incomplete.

Response to Citizens - Proposed Plan 3rd comment "EPA has tried to identify the three homes in question with success." Should be "without".